THE HON'BLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HON'BL SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO. 106 OF 2003

ORDER: (PER GB,J)

The writ petition is filed seeking writ of mandamus directing the respondents 1 and 2 to pay the kit maintenance allowance (washing allowance) to the members of petitioner association w.e.f. 1-4-1999 on par with the similarly placed employees covered by G.O.Ms.No.140 dated 30-8-1999.

2. The petitioner is the A.P. High Court Division III (Misc) Association and its members consists of attenders, drivers, lift operators, daffedars and jamedars and according to the standing orders issued by the High Court, they are required to wear the uniform provided by the Government and maintain the same. It is their case that they are required to spend considerable amount for maintenance towards maintenance of uniform for washing and ironing etc. It is also stated that in case of similarly situate employees working in the Government, a special allowance called "Kit Maintenance Allowance" is being granted to them. It is their case that in G.O.No.140 dated 30-8-1999, various classes of employees were granted the said maintenance, including Attendars, Kamaties, Sweepers, Drivers etc in the Institute of Preventive Medicine, therefore, they seek an appropriate direction for payment of similar

allowance. It is also their case that they made a representation, though the same was forwarded by the High Court to the Government, no action was taken. It is further stated that similar request was made by the Court Masters for enhancement of the allowance for attending the duties at the residence of the Hon'ble Judges, since there was no response, they filed W.P.No.34473 of 1997 and during the pendency of the writ petition the Government issued G.O.Ms.No.281 dated 21-12-1998. Therefore, the Division Bench by order dated 16-3-2000 disposed of the writ petition with direction to implement the same w.e.f. 8-6-1993. By virtue of the said orders, the Court Masters are getting the extra allowance towards uniform and kit maintenance allowance.

3. Learned Government Pleader, however, submits that the matter was already referred to Anomalies committee and decision of the Anomalies Committee may be awaited. It is to be noted that the matter was referred to the said committee as early as 2001 and so far no decision was taken. In the circumstances, we find it necessary that appropriate orders are passed.

4. It is not in dispute that various categories of personnel including the members of the Division III (Misc) Association are required to wear appropriate uniform. The employees in Div. III are particularly required to wear uniform in white prescribed dress as per the Standing Order 10 issued by the High Court of A.P. Therefore necessarily they are required to spend some amount for maintenance of the same, for which admittedly no special allowance has been granted to them. In such a situation the issue that calls for consideration is whether the members of the petitioner association are entitled to allowance for upkeep and maintenance of uniform. It is also on record that the Government have sanctioned kit maintenance allowance to various categories of posts including Class IV employees. Standing Order No.10 issued by the High Court reads thus:

*"Members of the staff must be neatly and cleanly dressed. Court officers, Court Masters,*

*P.S. to Hon'ble Judges and other members of the staff attending courts are expected to wear Black Coats. Attenders, Drivers, Roneo Operators, Jamedars, Daffedars and Sweepers should wear dress supplied by the Stationery Section."*

5. In this regard, it is to be noted that the Court Officers of this Court have filed Writ Petition No. 34473 of 1997 seeking writ of mandamus to declare that they are entitled for uniform and dhobi allowance at the rate of Rs.750/- per year and Rs.45/- p.m. respectively as per G.O.Ms.No.242, Finance and Planning dated 8-6-1993 and G.O.Ms.No.38 Finance and Planning dated 4-2-1994 and to direct the respondents to pay the same with effect from the respective dates, on which they were appointed as Court Officers. In the said writ petition, this Court granted interim direction on 10-8-1998. In pursuance of the said interim direction, the Government issued G.O.Ms.No.281, Finance and Planning Department, dated 21-12-1998. The Government while sanctioning Rs.400/- p.m. as Uniform allowance and Rs.30/- p.m. as Dhobi allowance to the Court Officers, Personal Secretaries to the Honourable Judges and Section Officers, has observed as follows:

*"Some of the employees are compulsorily required to wear the Uniform by nature of the duties they perform, for instance as in the case of departments like Police, Forest, Excise, Jails etc., and nursing staff in the case of Medical and Health Department . In some departments, where such requirement is prescribed, uniform cloth is supplied to the lower level functionaries like Class IV employees while some cash allowance is given to Higher level functionaries. As such, the grant of uniform allowance which is in the nature of a "compensatory allowance" involves broadly the following factors;*

i. *Nature of activities of the job, the*

*need to wear uniform compulsorily in such job and the nature of such uniform;*

ii. *It may be so provided under the service rules for wearing of such uniform etc.*

iii. *The quantum of allowance to be given;*

iv. *The periodicity at which such allowance has to be paid, considering likely wear and tear; and*

v. *The sanction of kit maintenance/dhobi allowance depends on the wear and tear of the uniform allowance.*

*Based on the recommendations of the Pay Revision Commission, 1993, orders were issued in G.O.Ms.No.242, Finance & Planning (FW & TA) Department, dated 8-6-1993 increasing the rates of Uniform allowance by 50% over the existing rates to those who are already entitled to uniform allowance.*

*Standing order No.10 of A.P. High Court in respect of Dress is as follows;*

*"Members of the staff must be neatly and cleanly dressed. Court officers, Court Masters, P.S. to Hon'ble Judges and other members of the staff attending courts are expected to wear Black Coats. Attenders, Drivers, Roneo Operators, Jamedars, Daffedars and Sweepers should wear dress supplied by the Stationery Section."*

*Thus the officers in question are required to wear prescribed dress i.e., Black coat while attending the duties.*

*All personnel in question i.e., Court Officers, Court Masters, P.Ss. to Hon'ble Judges, Section Officers, Scrutiny Officers carry the pay scale of Rs.3,110-6,380. The comparable posts (viz., Gazetted categories and other posts whose pay scales are in proximity) where the personnel in various departments who are entitled to Uniform allowance are as follows;*

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*Category pay scale uniform Dhobi*

*allowance allowance*

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Deputy Transport

Commissioner Rs.4400-8700 Rs.3000/- …

(once in 5 years)

Superintendent of

Jails (Central Prisons) Rs.4400-8700 Rs.3000/- Rs.30/- p.m (Once in 5 years)

R.T.O Rs.3640-7580 Rs.1500/- …

(once in 5 years)

Dy.Supdt.of Jails Rs.3640-7580 -do- Rs.30/-p.m

Asst.Excise Supdt Rs.3310-6840 -do- …

Motor Vehicle

Inspector Rs.3110-6380 -do- Rs.15/-p.m

Inspector of

Police Rs.3110-6380 Rs.750/- Rs.60/-p.m

(once in a year)

Nursing Tutors

Gr.I Rs.2930-5960 Rs.450/- Rs.15/-p.m

(once in a year)

Prl.ANM,Trg Rs.2930-5960 -do- -do

School/

Nursing Officer,

Forest Range Rs.2750-5960 Rs.1500/- …

Officers (once in 5 years)

Excise Inspectors Rs.2750-5960 -do- …

Sub Inspector Rs.2525-5390 Rs.750/- Rs.45/-p.m.

Of Police (once in a year)

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*Where Uniform Allowance is sanctioned, it is not sanctioned on actual cost basis or on the basis of time scale of pay but only to compensate a fair portion of the expenditure incurred as in the case of any other compensatory allowance. Further, in some cases as in the case of Police personnel and Nursing staff wearing of Uniform is symbiotic as they have to wear Uniform round the clock while discharging their duties. Considering the representation on the analogy of similarly situated personnel and the nature of dress required to be worn, its wear and tear and all other relevant aspects, the Government after careful consideration are of the view that sanction of Uniform allowance of Rs.400/- per annum or Rs.1,200/- once in three years and Dhobi allowance of Rs.30/- per month would be reasonable. What is sought to be given now is within the frame work of existing pattern pending revision by the present Pay Revision Commission.*

*The Government, therefore, hereby sanction Rs.400/- per annum as Uniform*

*Allowance and a Dhobi Allowance of Rs.30/- per month to the Court Masters, Court Officers, P.Ss to Hon'ble Judges and Section Officers who attend the Courts and who are required to wear Black Coat in accordance with the Standing Order No.10 of A.P. High Court Service.*

6. Taking into consideration the issuance of G.O., during the pendency of the writ petition, this Court directed that the benefits of uniform and kit allowance should be granted only from 8-6-1993 and not from the respective dates of joining the posts. The Division Bench observed as follows:

*"As stated above, the Government on its own accord had already sanctioned Rs.400/- per annum as uniform allowance to the petitioners and other categories of Officers of the High Court in G.O.Ms.No.281 dated 31-12-1998 apart from Kit Maintenance Allowance of Rs.30/- per month. The Pay Revision Commissioner, on consideration of various aspects, enhanced the amount to Rs.600/- per annum or Rs.3000/- once in five years. We have given our anxious consideration to the arguments advanced before us and we see some force in the submissions made by the learned Additional Advocate General and we are of the considered view that the Pay Revision Commission, which is an Expert Body, after taking into account various aspects of the matter into consideration, i.e., expected wear and tear, type of uniform, length of time for which it is to be worn, has rightly enhanced the quantum from Rs.400/- to Rs.600/-. Therefore, we do not see any reason to interfere and grant the relief sought for by the petitioners. Accordingly, the relief of enhancement of quantum of uniform allowance is rejected.*

*We shall now advert to the consequential*

*relief sought for by the petitioners and other categories of the Officers of High Court to direct the respondents to pay uniform allowance and kit maintenance allowance from the date of their respective joining @ Rs.1125/- and Rs.67.50 Ps. Evidently, as stated earlier, GO Ms.No 242 Finance and Planning (FW & TA) Department, dated 8-6-1993 describes various categories of officers in different Departments to whom uniform allowance was sanctioned. On demand from the petitioners and some of the employees working in the High Court, viz., the petitioners, Court Masters, Personal Secretaries to the Hon'ble Judges and Section Officers, as per Standing Order 10 of A.P. High Court (Services), the matter was referred to the Government by this Court for a decision in consultation with the Pay Revision Commission before 31-12-1998 and since a comprehensive view had to be taken in that regard, the Government on its own issued G.O.Ms.No.281 dated 21-12-1998. Thus, this G.O.Ms.No.281 dated 21-12-1998 traces its origin to G.O.Ms.No.242 dated 8-6-1993. Therefore, we are of the considered view that the petitioners and other categories of Officers of the High Court are entitled to the uniform allowance and kit maintenance allowance from the date of issue of G.O.Ms.No.242 dated 8-6-1993 and not from the date of their respective joining. Therefore, the question of directing the respondents to pay the uniform allowance and kit maintenance allowance to the petitioners with effect from the respective dates of their appointment does not arise. Thus, the relief sought for by the petitioners is rejected.*

*To sum up, the petitioners and other Officers of the High Court are entitled to uniform allowance and Kit maintenance allowance from 8-6-1993 at the rate of Rs.400/- (pay scale of 1993) and Rs.600/- (Revised pay scales of 1999) per annum and Rs.30/- per month respectively. Therefore, we see no reason to grant the relief prayed for by the petitioners."*

7. Therefore, it is seen that under Standing Order 10 issued by the High Court, it is incumbent upon all the members of the staff to neatly and cleanly dress including the Court Officers, Court Masters, Personal Secretaries to the Hon'ble Judges and other members of the Court attending on the Courts. While the former are required to wear the black coats the latter viz., attenders, drivers, roaming operators, Jamedars, Sweepers are also required to wear the dresses (white) supplied by the Stationery Section. Therefore, when once the Court Masters are granted the uniform allowance and Dhobi allowance, it cannot be said that wear and tear and the maintenance of the dress can only be confined to the Court Masters and the Personal Secretaries to the Honourable Judges. In as much as all the staff attending the Courts are exposed to the same and similar atmosphere. The members of the staff who are in the category of attenders, drivers etc., cannot be excluded and discriminated. Further, similarly situate persons were also granted the same benefits. Under these circumstances, We find that denying the benefit of kit allowance (washing allowance) is discriminatory, arbitrary and violative of Article 14 of Constitution of India.

8. Under these circumstances, We are of the considered view that the members of the petitioner-association, are entitled to kit allowance (washing allowance) on par with the similarly situated persons in terms of G.O.Ms.No.140, Finance and Planning, dated 30-8-1999 at the rate of Rs.22-50 per month. However, they are eligible for such allowance from the date of filing the writ petition i.e., 1-1-2003.

9. Accordingly, the writ petition is allowed. No costs.

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G.BIKSHAPATHY,J

S.ANANDA REDDY,J

20TH NOV, 2003

TVK/GURC